

# ZONING ADMINISTRATOR

## NOTICE OF DECISION

Date: October 17, 2013  
Applicant: Costco Wholesale  
Case No.: PCC-13-019/DRC 13-13  
Address: 895 East H Street  
A P N.: 640-292-50  
Project Planner: Jeff Steichen, Associate Planner

Notice is hereby given that on October 17, 2013, the Zoning Administrator considered Conditional Use Permit Application PCC-13-019 and Design Review Permit DRC 13-13 filed by Costco Wholesale ("Applicant"), at 895 East "H" Street, Chula Vista, Ca ("Project Site"). The Project Site is within the C-1 (Commercial) Land Use District of the Rancho Del Rey Sectional Planning Area (SPA) Plan and is designated as Retail Commercial (CR) within the City of Chula Vista's General Plan. The project is more specifically described as follows:

The Applicant requests approval of a Conditional Use Permit(PCC-13-019) to allow the on-site relocation and expansion of an existing fueling facility. The relocated fueling facility will consist of twelve (12) multi-product gasoline dispensers (24 fueling positions). A Design Review Permit (DRC 13-13) would allow construction of the fueling facility including a 7,560 square-foot pump island canopy.

In order to accommodate the relocated and expanded fueling facility it will be necessary to temporarily remove existing parking spaces during construction of the new fueling facility. Once the new facility is constructed and in operation, the existing fueling station will be removed and replaced with additional parking. The existing Costco warehouse operation along with the proposed project will require 571 parking spaces and the proposal will provide 573 spaces. When the project has been completed there will be 26 spaces less than existing, however, the project will exceed the amount required by the Rancho del Rey SPA I and Chapter 19.62 of the Chula Vista Municipal Code by 2 spaces as shown in the following table:

Floor Area Designation	Land Use	Parking Requirements	Building Square Footage	Parking Space Requirements
Wholesale	Retail	1/200 s.f.	103,071 s.f.	515 spaces
Warehouse	Warehouse	1/1,000 s.f.	14,380 s.f.	14 spaces
Meat/Bakery	Manufacturing	1/800 s.f.	4,521 s.f.	6 spaces
Tire Center	Auto Service	1/400 s.f.	6,122 s.f.	16 spaces
Food Service	Restaurant/ Takeout	15 stalls minimum	1,332 s.f.	15 spaces
Storage Freezer, Mech. Rooms	Warehouse	1/1,000 s.f.	2,526 s.f.	3 spaces
Fueling Facility	Gas Station	2 stalls	7,560 s.f.	2 spaces
<b>Total Required Off-Street Parking:</b>				<b>571 spaces</b>

<b>Total Proposed Off-Street Parking:</b>	573 spaces
<b>Existing Off Street Parking</b>	<b>599 spaces</b>
<b>Total Proposed Off-Street Parking</b>	<b>573 spaces</b>
<b>Total Reduction in Off-Street Parking Proposed</b>	<b>-26 spaces</b>

The Environmental Review Coordinator has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030(A) of the Chula Vista Municipal Code, has been able to make the Conditional Use Permit findings as required by CVMC Section 19.14.080:

***That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.***

The approval of this project will enable the applicant to more efficiently and effectively meet the needs of its membership and surrounding community by providing an upgraded fueling facility designed to reduce wait times, vehicle queuing, and vehicle idling while improving on-site circulation through the enlarged queuing area. The project is not anticipated to generate a significant number of new trips to the fueling facility, but rather allow the applicant to provide a more efficient fuel purchasing experience for the members already utilizing the fueling facility.

The new fueling facility will be compatible with the area and designed to accommodate current and future demand from the membership base in the community. The demand at the existing facility indicates that Costco members in the community believe the use to be a necessary service. The relocation and expansion of this use is necessary to address the queuing area and circulation constraints associated with the existing facility which impact adjacent parking lot circulation and vehicle idling times.

The relocated and expanded fueling facility will provide eight (8) additional fueling positions, a queuing area that is 131-feet deep, and queuing area separation from warehouse parking and tanker parking. These improvements will provide reduced wait times and vehicle idling, along with expanded vehicle queuing capacity and improved on-site circulation. A more efficiently operated facility will contribute to the general well-being of the neighborhood and surrounding properties by mitigating existing on-site congestion and reducing exhaust associated with vehicle idling during peak use hour queuing. The relocation is on the periphery of the parking lot to minimize conflicts between this auto-oriented use and pedestrian circulation.

***That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.***

The operation of the fueling facility will be designed and conditioned to avoid potential health, safety and noise impacts to nearby residents and businesses. On-site parking will still exceed the required on-site parking requirements to serve the uses located on the site. Conditions of approval addressing construction of the project, will ensure that adequate parking is made available to employees and customers during the construction phase of the project. The granting of the conditional use permit enables the City to protect the character and quality of life for the area residents in the least restrictive manner.

The relocation of the fueling facility has been designed on the periphery of the site away from pedestrian traffic. This is to separate the auto-oriented nature of the fueling facility from established pedestrian areas to provide safe operation of the fueling facility. The fueling facility relocation will also remove the warehouse parking within the queuing area to further separate pedestrians from the fueling facility. The proposed location is thoroughly screened from East "H" Street by an existing Open Space buffer that is approximately 50-feet wide and planted with mature evergreen vegetation. Additional landscape screening is also proposed with this project.

The relocated fueling facility is not expected to impact the existing ambient noise levels for the site. The nearest residential property is located approximately 300 feet from the site and separated by a 50-foot-wide dense landscape buffer, six (6) lanes of traffic (posted speed of 50 mph) with a 25-foot landscaped median, and another 70-foot-wide landscape buffer. These conditions provide for superior noise buffering between the commercial uses and residential uses. The fueling facility will operate within the ambient noise levels of the existing parking lot.

Under canopy lighting for the fueling facility will be LED light fixtures that will reduce glare on the surrounding area and light impacts to the night sky. Lighting will be downward and at levels sufficient for a safe fueling environment. The 90 degree rotation of the relocated fueling facility is a change from the existing facility and will direct vehicle headlights away from the landscape buffer along East "H" Street. This improvement will direct headlights within the existing shopping center.

***That the proposed use will comply with the regulations and conditions specified in the code for such use.***

Fueling facilities are an allowed use within the C-1 Commercial District of the Rancho Del Rey SPA I Planned Community. The Rancho Del Rey SPA I Planned Community District Regulations (District Regulations) identify the requirements for the project. The project has been designed to meet the setbacks and special requirements for the Commercial District with one exception. The District Regulations identify a 60-foot setback from the East "H" Street right-of-way for buffering from East "H" Street with encroachments allowed through the Design Review process as discussed below. The existing parking boundary of the site parking lot is unchanged and the proposed multi-product dispensers and canopy columns are located 60-feet from the East "H" Street right-of-way. However, the applicant has requested allowance of the dispenser canopy to

encroach within the 60-foot setback approximately 3-feet and will remain within the boundary of the existing site parking lot.

***That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.***

The City's General Plan Map designates the site as Retail Commercial and the Rancho del Rey SPA 1 identifies the site as being zoned C-1. Fueling facilities are permitted in the C-1 zone subject to the approval of a Conditional Use Permit. The proposed Project has been conditioned to minimize all potential adverse impacts to the site and surrounding area. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Chula Vista Municipal Code, is consistent with Commercial (C-1) permitted land uses and will not adversely affect implementation of the General Plan.

Further, the Zoning Administrator, under the provisions of Section 19.14 582.G of the Chula Vista Municipal Code (CVMC), has conditionally approved the project subject to the conditions identified below.

**The proposed development, as conditioned, is consistent with the development regulations of the PC District Regulations, C-1 land use district of the Rancho Del Rey SPA Plan.**

The proposed development is consistent with all but one of the development regulations of the PC District Regulations, C-1 land use district of the Rancho Del Rey SPA Plan. The one exception is to the required 60-foot setback and buffer area from East "H" Street. The Design Guidelines (Exhibit 45; Individual Parcel Criteria) indicate that encroachment into this setback and landscape buffer area can occur through Design Review approval.

The intent of the East "H" Street setback is provide screening of commercial uses from East "H" Street which is a scenic highway. A review of the existing conditions and additional landscape screening hedge accomplish this intent. The existing landscape buffer consists of mature evergreen trees that provide a visual barrier to the proposed facility. Furthermore, there is an elevation difference between East "H" Street and the fueling facility that will provide a visual barrier. A photo simulation included with the application indicates that the additional landscape screening along the project area will substantially eliminate views of the fueling facility from the East "H" Street front yard setback. This additional parking lot screening will consist of a solid row of shrubs located at the back of curb.

The project proposes a three-foot encroachment of the dispenser canopy into the required 60-foot setback along East "H" Street. Staff recommends approval of the requested encroachment of the dispenser canopy based on the substantial landscape screening and elevation difference which accomplishes the intent of the requirement to screen commercial uses from East "H" Street.

**The design features of the proposed development are consistent with, and are a cost effective method of satisfying, the City of Chula Vista Design Manual and Landscape Manual as well as the Rancho Del Rey SPA Design Guidelines.**

The project's design is consistent with the Rancho Del Rey Design Guidelines, City's Design Manual and Landscape Manual. The architecture of the relocated fueling facility complements the existing Costco warehouse in form and color, and has been placed on the periphery of the site to minimize vehicle and pedestrian conflicts. The canopy will be composed of high quality materials and will be equipped with the latest fueling facility technology. Canopy lighting will be full cutoff LED lighting, which will minimize glare to the surrounding area and promote energy efficiency. Signage will be visible from onsite and will be cohesive with the overall site signage. The landscape improvements include the addition of a landscape hedge to provide additional frontage screening and parking lot landscaping that exceeds the requirements of the Landscape Manual within the project area. The relocation will provide a substantial improvement to the site by providing additional fueling positions and queuing area to alleviate queuing congestion at the existing facility. This should reduce site circulation congestion at the existing facility during peak fueling periods.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-019 and DRC-13-13 as described above subject to the following conditions:

The following conditions shall apply to the Project Site, and the Applicant or successor-in-interest shall satisfy these conditions prior to issuance of the first building permit for the project, or at the timeframe specified in the condition. Upon completion, the Applicant shall remain in compliance with the conditions as long as the Project relies upon this approval:

#### PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-13-019 and DRC 13-13 approved plans, as amended herein, which include site plans and floor plans on file in the Planning Division, the conditions contained herein, and the Rancho Del Rey SPA Plan (Title 19).
2. The Property Owner and Applicant or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property

Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Date

3. The Applicant shall apply for and obtain a sign permit for any required site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60.
4. Prior to occupancy, the applicant shall provide evidence to the City that the closure process has been initiated with the County of San Diego in regard to the existing fueling facility.

#### LAND DEVELOPMENT

5. Payment of the following fees which may be adjusted based upon the final Building Plans Submitted:
  - a. Traffic Signal Fee
  - b. Other Engineering Fees per the Master Fee Schedule
6. Prior to issuance of grading or construction permit, whichever occurs first, applicant shall provide a letter of permission from K-Mart to utilize their parking stalls during the time of construction. If construction occurs (and is completed before) November 11, 2013, the letter of permission only need to authorize the use of 75-100 parking spaces (the number suggested in the report) on weekends only. If construction occurs between Monday, November 11, 2013 and Friday, January 3, 2014, the letter needs to authorize permission to use these parking spaces all business days. Beginning January 4, 2014, the authorization letter can again be granting permission to park on weekends only.
7. Show/label in the "Conceptual Grading Plan" all the Best Management Practices (BMPs), Low Impact Development features (LIDs), including Bio Retention Planters. Provide sizing calculations and specifications for all BMPs, & LIDs.
8. Prior to the approval of grading permits, the owner/applicant shall submit duplicate copies of all commercial, industrial or multifamily Projects in digital format, such as (DXF) graphic file, on a CD or through e-mail based on California State Plane Coordinate System (NAD 83, Zone 6) in accordance with the City's

Guidelines for Digital Submittal. DXF file shall include a utility plan showing any and all proposed sewer or storm drain on site.

9. Developer must obtain a Land Development Permit prior to beginning any earthwork activities at the site and prior to issuance of Building Permits in accordance with Municipal Code Title 15.05. Developer shall submit Grading Plans in conformance with the City's Subdivision Manual and the City's Development Storm Water Manual requirements, including, but not limited to the following:
  - a. Grading plans shall be prepared by a registered Civil Engineer and approved by the City Engineer.
  - b. Drainage Study and Geotechnical/Soils Investigations are required with the first submittal of grading plans. The Drainage Study shall calculate the Pre-Development and Post-Development flows and show how downstream properties and storm drain facilities are impacted. Design shall incorporate detention of storm water runoff if Post-Development flows exceed Pre-Development flows; analysis shall include flows from 2 yr, 10 yr, and 50 yr return frequency storms.
  - c. Drainage study shall also demonstrate that no property damage will occur during the 100-year storm event.
  - d. Drainage study shall show any offsite flows.
  - e. All onsite drainage facilities shall be private.
  - f. Any offsite work will require Letters of Permission from the property owner(s).
10. Provide 2 copies of the following technical reports with the 1<sup>st</sup> submittal of grading plans:
  - a. Drainage Study
  - b. Water Quality Technical Report
  - c. Geotechnical Report
11. Prior to issuance of building permits, the applicant must obtain a Construction Permit to perform the following work in the City's right-of-way, which may include, but is not limited to:
  - a. Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-2 and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
  - b. Removal and replacement of existing pedestrian ramps at both driveway entrances, per Chula Vista Construction Standard CVCS-25 if current pedestrian ramps do not meet the City of Chula Vista Design Standards/ADA Standards, or if existing pedestrian ramps are cracked or broken.

12. Owner must enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private BMP's located within the project prior to issuance of any Grading or Building Permits, whichever occurs first.
13. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.
14. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, and Title 24 Standards, as applicable.

#### BUILDING DIVISION

15. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to the 2010 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2010 Fire Code, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, and 2008 California Energy Code, as adopted and amended by the State of California and City of Chula Vista. Permits must also comply with the 2010 Edition of the California Green Building Code.

Upon certification by the Development Services Department for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

16. The hours of operations of the fueling facility shall be as follows:

Monday – Friday:	6:00 AM to 10:00 PM
Saturday:	6:00 AM to 8:00 PM
Sunday:	6:00 AM to 7:00 PM

17. This project shall comply with all requirements of the Chula Vista Development Storm Water Manual (Storm Water Manual) for both construction and post-construction phases of the project. Prior to building permit approval, documentation shall be provided, to the satisfaction of the City Engineer, to demonstrate such compliance. A copy of the Storm Water Manual is available on the web at:

<http://www.chulavistaca.gov/Clean/StormWater/DevelopandConst.asp>

18. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity, and any subsequent re-issuances thereof. In



accordance with said Permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrent with the commencement of grading activities. The SWPPP shall specify construction structural and non-structural pollution prevention measures.

19. Permanent storm water requirements, including site design, source control, treatment control, and hydromodification control Best Management Practices (BMP's), all as shown in the approved WQTR, shall be incorporated into the project design, and shall be shown on the plans. Provide sizing calculations and specifications for each BMP's. Any structural and non-structural BMP requirements that cannot be shown graphically must be either noted or stapled on the plans.
20. Operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68 and the Performance Standards outlined in the Rancho del Rey SPA Plan.
21. If a formal complaint regarding failure to comply with any conditions of approval of this Conditional Use Permit is received by the Director of Development Services, or if the Director determines that a failure to comply with conditions of approval this Conditional Use Permit has occurred, then the Director has the discretion to initiate an investigation which may include requesting the applicant to submit plans, technical studies such as acoustical studies, or other information deemed necessary to review the current Conditional Use Permit. After review, the Director has the discretion to either maintain the existing Conditional Use Permit, modify the Conditional Use Permit, or revoke the Conditional Use Permit, pursuant to the requirements of CVMC Section 19.14.270.
22. The number of parking spaces available for exclusive use by the applicant shall not drop below the minimum CVMC requirement of 571 spaces.
23. This Conditional Use Permit authorizes only the use specified in the application for PCC-13-029. Any requested expansion or modification of existing use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.
24. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code.
25. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions

or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

26. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
27. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 17th day of October, 2013.



Mary Ladiana  
Zoning Administrator